

AMENDED IN SENATE AUGUST 28, 2002
AMENDED IN SENATE AUGUST 26, 2002
AMENDED IN SENATE AUGUST 19, 2002
AMENDED IN SENATE AUGUST 14, 2002
AMENDED IN ASSEMBLY MAY 23, 2002
AMENDED IN ASSEMBLY MAY 15, 2002
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CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2793

Introduced by Assembly Members Pescetti and Zettel

February 25, 2002

An act to amend Sections 12071, 12132, and 12276.1 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2793, as amended, Pescetti. Firearms.

Existing law makes it a misdemeanor to manufacture or cause to be manufactured, import into the state for sale, keep for sale, offer or expose for sale, give, or lend any unsafe handgun, except as specified. Existing law additionally requires every person licensed to manufacture firearms pursuant to federal law who manufactures firearms in this state and every person who imports into the state for sale, keeps for sale, or offers or exposes for sale any firearm to certify under penalty of perjury that every model, kind, class, style, or type of pistol, revolver, or other

firearm capable of being concealed upon the person that he or she manufactures or imports, keeps, or exposes for sale is not a prohibited unsafe handgun. Existing law exempts from these requirements certain pistols that are used in official Olympic-style international shooting competitions, as specified.

This bill would require the department to create a program to exempt new models of competitive firearms from the regulation of unsafe firearms. The exempt competitive firearms could be based on recommendations by USA Shooting consistent with the regulations contained in the USA Shooting Official Rules or could be based on the recommendation or rules of any other organization that the department deems relevant.

Existing law generally prohibits a firearms dealer, as defined, from delivering a handgun on or after January 1, 2003, unless the recipient performs a safe handling demonstration, as specified, with the handgun. *The required demonstration includes a loading demonstration using a dummy round, the application of a firearm safety device, and for a semiautomatic pistol, a specified demonstration with the slide.*

This bill would expand the type of “dummy round” that could be used in the loading and slide demonstrations. This bill would also exempt recipients from having to apply the firearm safety device as part of the safe handling demonstration if the gun being delivered is an Olympic competition pistol for which no firearms safety device, other than a cable lock that the Department of Justice has determined would damage the barrel of the pistol, has been approved, and the pistol is exempted from certain other requirements as a pistol that is used in official Olympic-style international shooting competitions.

Existing law requires any person who lawfully possesses an assault weapon, as defined, prior to specified periods, to register that weapon with the department, within a specified period of time. Existing law defines the term “assault weapon” by, among other things, designating a list of specified semiautomatic firearms and providing descriptive definitions concerning the capacity and function of the weapon. Existing law specifically exempts certain pistols that are used in official Olympic-style international shooting competitions from the definition of “assault weapon.”

This bill would require the department to create a program to exempt new models of competitive pistols that would otherwise be considered an “assault weapon” pursuant to these provisions from being classified as an “assault weapon.”



This bill would incorporate additional changes in Section 12071 of the Penal Code proposed by AB 2080 that would become operative only if AB 2080 and this bill are both chaptered and become effective on or before January 1, 2003, and this bill is chaptered last.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12071 of the Penal Code is amended to
2 read:
3 12071. (a) (1) As used in this chapter, the term “licensee,”
4 “person licensed pursuant to Section 12071,” or “dealer” means
5 a person who has all of the following:
6 (A) A valid federal firearms license.
7 (B) Any regulatory or business license, or licenses, required by
8 local government.
9 (C) A valid seller’s permit issued by the State Board of
10 Equalization.
11 (D) A certificate of eligibility issued by the Department of
12 Justice pursuant to paragraph (4).
13 (E) A license issued in the format prescribed by paragraph (6).
14 (F) Is among those recorded in the centralized list specified in
15 subdivision (e).
16 (2) The duly constituted licensing authority of a city, county, or
17 a city and county shall accept applications for, and may grant
18 licenses permitting, licensees to sell firearms at retail within the
19 city, county, or city and county. The duly constituted licensing
20 authority shall inform applicants who are denied licenses of the
21 reasons for the denial in writing.
22 (3) No license shall be granted to any applicant who fails to
23 provide a copy of his or her valid federal firearms license, valid
24 seller’s permit issued by the State Board of Equalization, and the
25 certificate of eligibility described in paragraph (4).
26 (4) A person may request a certificate of eligibility from the
27 Department of Justice and the Department of Justice shall issue a
28 certificate to an applicant if the department’s records indicate that
29 the applicant is not a person who is prohibited from possessing
30 firearms.

1 (5) The department shall adopt regulations to administer the
2 certificate of eligibility program and shall recover the full costs of
3 administering the program by imposing fees assessed to applicants
4 who apply for those certificates.

5 (6) A license granted by the duly constituted licensing
6 authority of any city, county, or city and county, shall be valid for
7 not more than one year from the date of issuance and shall be in
8 one of the following forms:

9 (A) In the form prescribed by the Attorney General.

10 (B) A regulatory or business license that states on its face
11 “Valid for Retail Sales of Firearms” and is endorsed by the
12 signature of the issuing authority.

13 (C) A letter from the duly constituted licensing authority
14 having primary jurisdiction for the applicant’s intended business
15 location stating that the jurisdiction does not require any form of
16 regulatory or business license or does not otherwise restrict or
17 regulate the sale of firearms.

18 (7) Local licensing authorities may assess fees to recover their
19 full costs of processing applications for licenses.

20 (b) A license is subject to forfeiture for a breach of any of the
21 following prohibitions and requirements:

22 (1) (A) Except as provided in subparagraphs (B) and (C), the
23 business shall be conducted only in the buildings designated in the
24 license.

25 (B) A person licensed pursuant to subdivision (a) may take
26 possession of firearms and commence preparation of registers for
27 the sale, delivery, or transfer of firearms at gun shows or events,
28 as defined in Section 178.100 of Title 27 of the Code of Federal
29 Regulations, or its successor, if the gun show or event is not
30 conducted from any motorized or towed vehicle. A person
31 conducting business pursuant to this subparagraph shall be entitled
32 to conduct business as authorized herein at any gun show or event
33 in the state without regard to the jurisdiction within this state that
34 issued the license pursuant to subdivision (a), provided the person
35 complies with (i) all applicable laws, including, but not limited to,
36 the waiting period specified in subparagraph (A) of paragraph (3),
37 and (ii) all applicable local laws, regulations, and fees, if any.

38 A person conducting business pursuant to this subparagraph
39 shall publicly display his or her license issued pursuant to

1 subdivision (a), or a facsimile thereof, at any gun show or event,
2 as specified in this subparagraph.

3 (C) A person licensed pursuant to subdivision (a) may engage
4 in the sale and transfer of firearms other than pistols, revolvers, or
5 other firearms capable of being concealed upon the person, at
6 events specified in subdivision (g) of Section 12078, subject to the
7 prohibitions and restrictions contained in that subdivision.

8 A person licensed pursuant to subdivision (a) also may accept
9 delivery of firearms other than pistols, revolvers, or other firearms
10 capable of being concealed upon the person, outside the building
11 designated in the license, provided the firearm is being donated for
12 the purpose of sale or transfer at an auction or similar event
13 specified in subdivision (g) of Section 12078.

14 (D) The firearm may be delivered to the purchaser, transferee,
15 or person being loaned the firearm at one of the following places:

- 16 (i) The building designated in the license.
17 (ii) The places specified in subparagraph (B) or (C).
18 (iii) The place of residence of, the fixed place of business of,
19 or on private property owned or lawfully possessed by, the
20 purchaser, transferee, or person being loaned the firearm.

21 (2) The license or a copy thereof, certified by the issuing
22 authority, shall be displayed on the premises where it can easily be
23 seen.

24 (3) No firearm shall be delivered:

25 (A) Within 10 days of the application to purchase, or, after
26 notice by the department pursuant to subdivision (d) of Section
27 12076, within 10 days of the submission to the department of any
28 correction to the application, or within 10 days of the submission
29 to the department of any fee required pursuant to subdivision (e)
30 of Section 12076, whichever is later.

31 (B) Unless unloaded and securely wrapped or unloaded and in
32 a locked container.

33 (C) Unless the purchaser, transferee, or person being loaned the
34 firearm presents clear evidence of his or her identity and age to the
35 dealer.

36 (D) Whenever the dealer is notified by the Department of
37 Justice that the person is in a prohibited class described in Section
38 12021 or 12021.1 of this code or Section 8100 or 8103 of the
39 Welfare and Institutions Code. The dealer shall make available to
40 the person in the prohibited class a prohibited notice and transfer

1 form, provided by the department, stating that the person is
2 prohibited from owning or possessing a firearm, and that the
3 person may obtain from the department the reason for the
4 prohibition.

5 (4) No pistol, revolver, or other firearm or imitation thereof
6 capable of being concealed upon the person, or placard advertising
7 the sale or other transfer thereof, shall be displayed in any part of
8 the premises where it can readily be seen from the outside.

9 (5) The licensee shall agree to and shall act properly and
10 promptly in processing firearms transactions pursuant to Section
11 12082.

12 (6) The licensee shall comply with Sections 12073, 12076, and
13 12077, subdivisions (a) and (b) of Section 12072, and subdivision
14 (a) of Section 12316.

15 (7) The licensee shall post conspicuously within the licensed
16 premises the following warnings in block letters not less than one
17 inch in height:

18 (A) "IF YOU KEEP A LOADED FIREARM WITHIN ANY
19 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
20 A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND
21 USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES
22 IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A
23 MISDEMEANOR OR A FELONY UNLESS YOU STORED
24 THE FIREARM IN A LOCKED CONTAINER OR LOCKED
25 THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT
26 FROM TEMPORARILY FUNCTIONING."

27 (B) "IF YOU KEEP A PISTOL, REVOLVER, OR OTHER
28 FIREARM CAPABLE OF BEING CONCEALED UPON THE
29 PERSON, WITHIN ANY PREMISES UNDER YOUR
30 CUSTODY OR CONTROL, AND A PERSON UNDER 18
31 YEARS OF AGE GAINS ACCESS TO THE FIREARM, AND
32 CARRIES IT OFF-PREMISES, YOU MAY BE GUILTY OF A
33 MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN
34 A LOCKED CONTAINER, OR LOCKED THE FIREARM
35 WITH A LOCKING DEVICE, TO KEEP IT FROM
36 TEMPORARILY FUNCTIONING."

37 (C) "IF YOU KEEP ANY FIREARM WITHIN ANY
38 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
39 A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO
40 THE FIREARM, AND CARRIES IT OFF-PREMISES TO A



1 SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY BE
2 GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP
3 TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS YOU
4 STORED THE FIREARM IN A LOCKED CONTAINER, OR
5 LOCKED THE FIREARM WITH A LOCKING DEVICE.”

6 (D) “DISCHARGING FIREARMS IN POORLY
7 VENTILATED AREAS, CLEANING FIREARMS, OR
8 HANDLING AMMUNITION MAY RESULT IN EXPOSURE
9 TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH
10 DEFECTS, REPRODUCTIVE HARM, AND OTHER SERIOUS
11 PHYSICAL INJURY. HAVE ADEQUATE VENTILATION AT
12 ALL TIMES. WASH HANDS THOROUGHLY AFTER
13 EXPOSURE.”

14 (E) “FEDERAL REGULATIONS PROVIDE THAT IF YOU
15 DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM
16 THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30
17 DAYS AFTER YOU COMPLETE THE INITIAL
18 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE
19 TO GO THROUGH THE BACKGROUND CHECK PROCESS
20 A SECOND TIME IN ORDER TO TAKE PHYSICAL
21 POSSESSION OF THAT FIREARM.”

22 (F) “NO PERSON SHALL MAKE AN APPLICATION TO
23 PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR
24 OTHER FIREARM CAPABLE OF BEING CONCEALED
25 UPON THE PERSON WITHIN ANY 30-DAY PERIOD AND
26 NO DELIVERY SHALL BE MADE TO ANY PERSON WHO
27 HAS MADE AN APPLICATION TO PURCHASE MORE
28 THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM
29 CAPABLE OF BEING CONCEALED UPON THE PERSON
30 WITHIN ANY 30-DAY PERIOD.”

31 (8) (A) Commencing April 1, 1994, and until January 1, 2003,
32 no pistol, revolver, or other firearm capable of being concealed
33 upon the person shall be delivered unless the purchaser, transferee,
34 or person being loaned the firearm presents to the dealer a basic
35 firearms safety certificate.

36 (B) Commencing January 1, 2003, no dealer may deliver a
37 handgun unless the person receiving the handgun presents to the
38 dealer a valid handgun safety certificate. The firearms dealer shall
39 retain a photocopy of the handgun safety certificate as proof of
40 compliance with this requirement.

1 (C) Commencing January 1, 2003, no handgun may be
2 delivered unless the purchaser, transferee, or person being loaned
3 the firearm presents documentation indicating that he or she is a
4 California resident. Satisfactory documentation shall include a
5 utility bill from within the last three months, a residential lease, a
6 property deed, or military permanent duty station orders indicating
7 assignment within this state, or other evidence of residency as
8 permitted by the Department of Justice. The firearms dealer shall
9 retain a photocopy of the documentation as proof of compliance
10 with this requirement.

11 (D) Commencing January 1, 2003, except as authorized by the
12 department, no firearms dealer may deliver a handgun unless the
13 recipient performs a safe handling demonstration with that
14 handgun. The demonstration shall commence with the handgun
15 unloaded and locked with the firearm safety device with which it
16 is required to be delivered, if applicable. While maintaining
17 muzzle awareness, that is, the firearm is pointed in a safe direction,
18 preferably down at the ground, and trigger discipline, that is, the
19 trigger finger is outside of the trigger guard and along side of the
20 handgun frame, at all times, the handgun recipient shall correctly
21 and safely perform the following:

22 (i) If the handgun is a semiautomatic pistol:

23 (I) Remove the magazine.

24 (II) Lock the slide back. If the model of firearm does not allow
25 the slide to be locked back, pull the slide back, visually and
26 physically check the chamber to ensure that it is clear.

27 (III) Visually and physically inspect the chamber, to ensure that
28 the handgun is unloaded.

29 (IV) Remove the firearm safety device, if applicable. If the
30 firearm safety device prevents any of the previous steps, remove
31 the firearm safety device during the appropriate step.

32 (V) Load one bright orange, *red, or other readily identifiable*
33 *dummy round into the magazine. If no readily identifiable dummy*
34 *round is available, an empty cartridge casing with an empty*
35 *primer pocket may be used.*

36 (VI) Insert the magazine into the magazine well of the firearm.

37 (VII) Manipulate the slide release or pull back and release the
38 slide.

39 (VIII) Remove the magazine.

1 (IX) Visually inspect the chamber to reveal that a round can be
2 chambered with the magazine removed.

3 (X) Lock the slide back to eject the bright orange, *red, or other*
4 *readily identifiable* dummy round. If the handgun is of a model that
5 does not allow the slide to be locked back, pull the slide back and
6 physically check the chamber to ensure that the chamber is clear.
7 *If no readily identifiable dummy round is available, an empty*
8 *cartridge casing with an empty primer pocket may be used.*

9 (XI) Apply the safety, if applicable.

10 (XII) Apply the firearm safety device, if applicable. This
11 requirement shall not apply to an Olympic competition pistol if no
12 firearms safety device, other than a cable lock that the department
13 has determined would damage the barrel of the pistol, has been
14 approved for the pistol, and the pistol is either listed in paragraph
15 (2) of subdivision (h) of Section 12132 or is subject to paragraph
16 (3) of subdivision (h) of Section 12132.

17 (ii) If the handgun is a double-action revolver:

18 (I) Open the cylinder.

19 (II) Visually and physically inspect each chamber, to ensure
20 that the revolver is unloaded.

21 (III) Remove the firearm safety device. If the firearm safety
22 device prevents any of the previous steps, remove the firearm
23 safety device during the appropriate step.

24 (IV) While maintaining muzzle awareness and trigger
25 discipline, load one bright orange, *red, or other readily*
26 *identifiable* dummy round into a chamber of the cylinder and
27 rotate the cylinder so that the round is in the next-to-fire position.
28 *If no readily identifiable dummy round is available, an empty*
29 *cartridge casing with an empty primer pocket may be used.*

30 (V) Close the cylinder.

31 (VI) Open the cylinder and eject the round.

32 (VII) Visually and physically inspect each chamber to ensure
33 that the revolver is unloaded.

34 (VIII) Apply the firearm safety device, if applicable. This
35 requirement shall not apply to an Olympic competition pistol if no
36 firearms safety device, other than a cable lock that the department
37 has determined would damage the barrel of the pistol, has been
38 approved for the pistol, and the pistol is either listed in paragraph
39 (2) of subdivision (h) of Section 12132 or is subject to paragraph
40 (3) of subdivision (h) of Section 12132.

1 (iii) If the handgun is a single-action revolver:

2 (I) Open the loading gate.

3 (II) Visually and physically inspect each chamber, to ensure
4 that the revolver is unloaded.

5 (III) Remove the firearm safety device required to be sold with
6 the handgun. If the firearm safety device prevents any of the
7 previous steps, remove the firearm safety device during the
8 appropriate step.

9 (IV) Load one bright orange, *red, or other readily identifiable*
10 dummy round into a chamber of the cylinder, close the loading
11 gate and rotate the cylinder so that the round is in the next-to-fire
12 position. *If no readily identifiable dummy round is available, an*
13 *empty cartridge casing with an empty primer pocket may be used.*

14 (V) Open the loading gate and unload the revolver.

15 (VI) Visually and physically inspect each chamber to ensure
16 that the revolver is unloaded.

17 (VII) Apply the firearm safety device, if applicable. This
18 requirement shall not apply to an Olympic competition pistol if no
19 firearms safety device, other than a cable lock that the department
20 has determined would damage the barrel of the pistol, has been
21 approved for the pistol, and the pistol is either listed in paragraph
22 (2) of subdivision (h) of Section 12132 or is subject to paragraph
23 (3) of subdivision (h) of Section 12132.

24 (E) The recipient shall receive instruction regarding how to
25 render that handgun safe in the event of a jam.

26 (F) The firearms dealer shall sign and date an affidavit stating
27 that the requirements of subparagraph (D) have been met. The
28 firearms dealer shall additionally obtain the signature of the
29 handgun purchaser on the same affidavit. The firearms dealer shall
30 retain the original affidavit as proof of compliance with this
31 requirement.

32 (G) The recipient shall perform the safe handling
33 demonstration for a department certified instructor.

34 (H) No demonstration shall be required if the dealer is
35 returning the handgun to the owner of the handgun.

36 (I) Department certified instructors who may administer the
37 safe handling demonstration shall meet the requirements set forth
38 in subdivision (j) of Section 12804.

1 (J) The persons who are exempt from the requirements of
2 subdivision (b) of Section 12801, pursuant to Section 12807, are
3 also exempt from performing the safe handling demonstration.

4 (9) Commencing July 1, 1992, the licensee shall offer to
5 provide the purchaser or transferee of a firearm, or person being
6 loaned a firearm, with a copy of the pamphlet described in Section
7 12080 and may add the cost of the pamphlet, if any, to the sales
8 price of the firearm.

9 (10) The licensee shall not commit an act of collusion as
10 defined in Section 12072.

11 (11) The licensee shall post conspicuously within the licensed
12 premises a detailed list of each of the following:

13 (A) All charges required by governmental agencies for
14 processing firearm transfers required by Sections 12076, 12082,
15 and 12806.

16 (B) All fees that the licensee charges pursuant to Sections
17 12082 and 12806.

18 (12) The licensee shall not misstate the amount of fees charged
19 by a governmental agency pursuant to Sections 12076, 12082, and
20 12806.

21 (13) The licensee shall report the loss or theft of any firearm
22 that is merchandise of the licensee, any firearm that the licensee
23 takes possession of pursuant to Section 12082, or any firearm kept
24 at the licensee's place of business within 48 hours of discovery to
25 the appropriate law enforcement agency in the city, county, or city
26 and county where the licensee's business premises are located.

27 (14) In a city and county, or in the unincorporated area of a
28 county with a population of 200,000 persons or more according to
29 the most recent federal decennial census or within a city with a
30 population of 50,000 persons or more according to the most recent
31 federal decennial census, any time the licensee is not open for
32 business, the licensee shall store all firearms kept in his or her
33 licensed place of business using one of the following methods as
34 to each particular firearm:

35 (A) Store the firearm in a secure facility that is a part of, or that
36 constitutes, the licensee's business premises.

37 (B) Secure the firearm with a hardened steel rod or cable of at
38 least one-eighth inch in diameter through the trigger guard of the
39 firearm. The steel rod or cable shall be secured with a hardened
40 steel lock that has a shackle. The lock and shackle shall be

1 protected or shielded from the use of a bolt cutter and the rod or
2 cable shall be anchored in a manner that prevents the removal of
3 the firearm from the premises.

4 (C) Store the firearm in a locked fireproof safe or vault in the
5 licensee's business premises.

6 (15) The licensing authority in an unincorporated area of a
7 county with a population of less than 200,000 persons according
8 to the most recent federal decennial census or within a city with a
9 population of less than 50,000 persons according to the most recent
10 federal decennial census may impose the requirements specified
11 in paragraph (14).

12 (16) Commencing January 1, 1994, the licensee shall, upon the
13 issuance or renewal of a license, submit a copy of the same to the
14 Department of Justice.

15 (17) The licensee shall maintain and make available for
16 inspection during business hours to any peace officer, authorized
17 local law enforcement employee, or Department of Justice
18 employee designated by the Attorney General, upon the
19 presentation of proper identification, a firearms transaction
20 record.

21 (18) (A) On the date of receipt, the licensee shall report to the
22 Department of Justice in a format prescribed by the department the
23 acquisition by the licensee of the ownership of a pistol, revolver,
24 or other firearm capable of being concealed upon the person.

25 (B) The provisions of this paragraph shall not apply to any of
26 the following transactions:

27 (i) A transaction subject to the provisions of subdivision (n) of
28 Section 12078.

29 (ii) The dealer acquired the firearm from a wholesaler.

30 (iii) The dealer is also licensed as a secondhand dealer pursuant
31 to Article 4 (commencing with Section 21625) of Chapter 9 of
32 Division 8 of the Business and Professions Code.

33 (iv) The dealer acquired the firearm from a person who is
34 licensed as a manufacturer or importer to engage in those activities
35 pursuant to Chapter 44 (commencing with Section 921) of Title 18
36 of the United States Code and any regulations issued pursuant
37 thereto.

38 (v) The dealer acquired the firearm from a person who resides
39 outside this state who is licensed pursuant to Chapter 44

(commencing with Section 921) of Title 18 of the United States Code and any regulations issued pursuant thereto.

(19) The licensee shall forward in a format prescribed by the Department of Justice, information as required by the department on any firearm that is not delivered within the time period set forth in Section 178.102 (c) of Title 27 of the Code of Federal Regulations.

(c) (1) As used in this article, “clear evidence of his or her identity and age” means either of the following:

(A) A valid California driver’s license.

(B) A valid California identification card issued by the Department of Motor Vehicles.

(2) As used in this section, a “secure facility” means a building that meets all of the following specifications:

(A) All perimeter doorways shall meet one of the following:

(i) A windowless steel security door equipped with both a dead bolt and a doorknob lock.

(ii) A windowed metal door that is equipped with both a dead bolt and a doorknob lock. If the window has an opening of five inches or more measured in any direction, the window shall be covered with steel bars of at least one-half inch diameter or metal grating of at least nine gauge affixed to the exterior or interior of the door.

(iii) A metal grate that is padlocked and affixed to the licensee’s premises independent of the door and doorframe.

(B) All windows are covered with steel bars.

(C) Heating, ventilating, air-conditioning, and service openings are secured with steel bars, metal grating, or an alarm system.

(D) Any metal grates have spaces no larger than six inches wide measured in any direction.

(E) Any metal screens have spaces no larger than three inches wide measured in any direction.

(F) All steel bars shall be no further than six inches apart.

(3) As used in this section, “licensed premises,” “licensed place of business,” “licensee’s place of business,” or “licensee’s business premises” means the building designated in the license.

(4) For purposes of paragraph (17) of subdivision (b):

(A) A “firearms transaction record” is a record containing the same information referred to in subdivision (a) of Section

1 178.124, Section 178.124a, and subdivision (e) of Section
2 178.125 of Title 27 of the Code of Federal Regulations.

3 (B) A licensee shall be in compliance with the provisions of
4 paragraph (17) of subdivision (b) if he or she maintains and makes
5 available for inspection during business hours to any peace officer,
6 authorized local law enforcement employee, or Department of
7 Justice employee designated by the Attorney General, upon the
8 presentation of proper identification, the bound book containing
9 the same information referred to in Section 178.124a and
10 subdivision (e) of Section 178.125 of Title 27 of the Code of
11 Federal Regulations and the records referred to in subdivision (a)
12 of Section 178.124 of Title 27 of the Code of Federal Regulations.

13 (d) Upon written request from a licensee, the licensing
14 authority may grant an exemption from compliance with the
15 requirements of paragraph (14) of subdivision (b) if the licensee
16 is unable to comply with those requirements because of local
17 ordinances, covenants, lease conditions, or similar circumstances
18 not under the control of the licensee.

19 (e) Except as otherwise provided in this subdivision, the
20 Department of Justice shall keep a centralized list of all persons
21 licensed pursuant to subparagraphs (A) to (E), inclusive, of
22 paragraph (1) of subdivision (a). The department may remove
23 from this list any person who knowingly or with gross negligence
24 violates this article. Upon removal of a dealer from this list,
25 notification shall be provided to local law enforcement and
26 licensing authorities in the jurisdiction where the dealer's business
27 is located. The department shall make information about an
28 individual dealer available, upon request, for one of the following
29 purposes only:

30 (1) For law enforcement purposes.

31 (2) When the information is requested by a person licensed
32 pursuant to Chapter 44 (commencing with Section 921) of Title 18
33 of the United States Code for determining the validity of the
34 license for firearm shipments.

35 (3) When information is requested by a person promoting,
36 sponsoring, operating, or otherwise organizing a show or event as
37 defined in Section 178.100 of Title 27 of the Code of Federal
38 Regulations, or its successor, who possesses a valid certificate of
39 eligibility issued pursuant to Section 12071.1, if that information
40 is requested by the person to determine the eligibility of a

1 prospective participant in a gun show or event to conduct
2 transactions as a firearms dealer pursuant to subparagraph (B) of
3 paragraph (1) of subdivision (b). Information provided pursuant
4 to this paragraph shall be limited to information necessary to
5 corroborate an individual's current license status.

6 (f) The Department of Justice may inspect dealers to ensure
7 compliance with this article. The department may assess an annual
8 fee, not to exceed one hundred fifteen dollars (\$115), to cover the
9 reasonable cost of maintaining the list described in subdivision (e),
10 including the cost of inspections. Dealers whose place of business
11 is in a jurisdiction that has adopted an inspection program to ensure
12 compliance with firearms law shall be exempt from that portion of
13 the department's fee that relates to the cost of inspections. The
14 applicant is responsible for providing evidence to the department
15 that the jurisdiction in which the business is located has the
16 inspection program.

17 (g) The Department of Justice shall maintain and make
18 available upon request information concerning the number of
19 inspections conducted and the amount of fees collected pursuant
20 to subdivision (f), a listing of exempted jurisdictions, as defined
21 in subdivision (f), the number of dealers removed from the
22 centralized list defined in subdivision (e), and the number of
23 dealers found to have violated this article with knowledge or gross
24 negligence.

25 (h) Paragraph (14) or (15) of subdivision (b) shall not apply to
26 a licensee organized as a nonprofit public benefit or mutual benefit
27 corporation organized pursuant to Part 2 (commencing with
28 Section 5110) or Part 3 (commencing with Section 7110) of
29 Division 2 of the Corporations Code, if both of the following
30 conditions are satisfied:

31 (1) The nonprofit public benefit or mutual benefit corporation
32 obtained the dealer's license solely and exclusively to assist that
33 corporation or local chapters of that corporation in conducting
34 auctions or similar events at which firearms are auctioned off to
35 fund the activities of that corporation or the local chapters of the
36 corporation.

37 (2) The firearms are not pistols, revolvers, or other firearms
38 capable of being concealed upon the person.

39 SEC. 1.5. Section 12071 of the Penal Code is amended to
40 read:

1 12071. (a) (1) As used in this chapter, the term “licensee,”
2 “person licensed pursuant to Section 12071,” or “dealer” means
3 a person who has all of the following:
4 (A) A valid federal firearms license.
5 (B) Any regulatory or business license, or licenses, required by
6 local government.
7 (C) A valid seller’s permit issued by the State Board of
8 Equalization.
9 (D) A certificate of eligibility issued by the Department of
10 Justice pursuant to paragraph (4).
11 (E) A license issued in the format prescribed by paragraph (6).
12 (F) Is among those recorded in the centralized list specified in
13 subdivision (e).
14 (2) The duly constituted licensing authority of a city, county, or
15 a city and county shall accept applications for, and may grant
16 licenses permitting, licensees to sell firearms at retail within the
17 city, county, or city and county. The duly constituted licensing
18 authority shall inform applicants who are denied licenses of the
19 reasons for the denial in writing.
20 (3) No license shall be granted to any applicant who fails to
21 provide a copy of his or her valid federal firearms license, valid
22 seller’s permit issued by the State Board of Equalization, and the
23 certificate of eligibility described in paragraph (4).
24 (4) A person may request a certificate of eligibility from the
25 Department of Justice and the Department of Justice shall issue a
26 certificate to an applicant if the department’s records indicate that
27 the applicant is not a person who is prohibited from possessing
28 firearms.
29 (5) The department shall adopt regulations to administer the
30 certificate of eligibility program and shall recover the full costs of
31 administering the program by imposing fees assessed to applicants
32 who apply for those certificates.
33 (6) A license granted by the duly constituted licensing
34 authority of any city, county, or city and county, shall be valid for
35 not more than one year from the date of issuance and shall be in
36 one of the following forms:
37 (A) In the form prescribed by the Attorney General.
38 (B) A regulatory or business license that states on its face
39 “Valid for Retail Sales of Firearms” and is endorsed by the
40 signature of the issuing authority.

1 (C) A letter from the duly constituted licensing authority
2 having primary jurisdiction for the applicant's intended business
3 location stating that the jurisdiction does not require any form of
4 regulatory or business license or does not otherwise restrict or
5 regulate the sale of firearms.

6 (7) Local licensing authorities may assess fees to recover their
7 full costs of processing applications for licenses.

8 (b) A license is subject to forfeiture for a breach of any of the
9 following prohibitions and requirements:

10 (1) (A) Except as provided in subparagraphs (B) and (C), the
11 business shall be conducted only in the buildings designated in the
12 license.

13 (B) A person licensed pursuant to subdivision (a) may take
14 possession of firearms and commence preparation of registers for
15 the sale, delivery, or transfer of firearms at gun shows or events,
16 as defined in Section 178.100 of Title 27 of the Code of Federal
17 Regulations, or its successor, if the gun show or event is not
18 conducted from any motorized or towed vehicle. A person
19 conducting business pursuant to this subparagraph shall be entitled
20 to conduct business as authorized herein at any gun show or event
21 in the state without regard to the jurisdiction within this state that
22 issued the license pursuant to subdivision (a), provided the person
23 complies with (i) all applicable laws, including, but not limited to,
24 the waiting period specified in subparagraph (A) of paragraph (3),
25 and (ii) all applicable local laws, regulations, and fees, if any.

26 A person conducting business pursuant to this subparagraph
27 shall publicly display his or her license issued pursuant to
28 subdivision (a), or a facsimile thereof, at any gun show or event,
29 as specified in this subparagraph.

30 (C) A person licensed pursuant to subdivision (a) may engage
31 in the sale and transfer of firearms other than pistols, revolvers, or
32 other firearms capable of being concealed upon the person, at
33 events specified in subdivision (g) of Section 12078, subject to the
34 prohibitions and restrictions contained in that subdivision.

35 A person licensed pursuant to subdivision (a) also may accept
36 delivery of firearms other than pistols, revolvers, or other firearms
37 capable of being concealed upon the person, outside the building
38 designated in the license, provided the firearm is being donated for
39 the purpose of sale or transfer at an auction or similar event
40 specified in subdivision (g) of Section 12078.

(D) The firearm may be delivered to the purchaser, transferee, or person being loaned the firearm at one of the following places:

(i) The building designated in the license.

(ii) The places specified in subparagraph (B) or (C).

(iii) The place of residence of, the fixed place of business of, or on private property owned or lawfully possessed by, the purchaser, transferee, or person being loaned the firearm.

(2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be seen.

(3) No firearm shall be delivered:

(A) Within 10 days of the application to purchase, or, after notice by the department pursuant to subdivision (d) of Section 12076, within 10 days of the submission to the department of any correction to the application, or within 10 days of the submission to the department of any fee required pursuant to subdivision (e) of Section 12076, whichever is later.

(B) Unless unloaded and securely wrapped or unloaded and in a locked container.

(C) Unless the purchaser, transferee, or person being loaned the firearm presents clear evidence of his or her identity and age to the dealer.

(D) Whenever the dealer is notified by the Department of Justice that the person is in a prohibited class described in Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code. The dealer shall make available to the person in the prohibited class a prohibited notice and transfer form, provided by the department, stating that the person is prohibited from owning or possessing a firearm, and that the person may obtain from the department the reason for the prohibition.

(4) No pistol, revolver, or other firearm or imitation thereof capable of being concealed upon the person, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.

(5) The licensee shall agree to and shall act properly and promptly in processing firearms transactions pursuant to Section 12082.

(6) The licensee shall comply with Sections 12073, 12076, and 12077, subdivisions (a) and (b) and paragraph (1) of subdivision (f) of Section 12072, and subdivision (a) of Section 12316.

(7) The licensee shall post conspicuously within the licensed premises the following warnings in block letters not less than one inch in height:

(A) “IF YOU KEEP A LOADED FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A MISDEMEANOR OR A FELONY UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER OR LOCKED THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY FUNCTIONING.”

(B) “IF YOU KEEP A PISTOL, REVOLVER, OR OTHER FIREARM CAPABLE OF BEING CONCEALED UPON THE PERSON, WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO THE FIREARM, AND CARRIES IT OFF-PREMISES, YOU MAY BE GUILTY OF A MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT FROM TEMPORARILY FUNCTIONING.”

(C) “IF YOU KEEP ANY FIREARM WITHIN ANY PREMISES UNDER YOUR CUSTODY OR CONTROL, AND A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO THE FIREARM, AND CARRIES IT OFF-PREMISES TO A SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY BE GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS YOU STORED THE FIREARM IN A LOCKED CONTAINER, OR LOCKED THE FIREARM WITH A LOCKING DEVICE.”

(D) “DISCHARGING FIREARMS IN POORLY VENTILATED AREAS, CLEANING FIREARMS, OR HANDLING AMMUNITION MAY RESULT IN EXPOSURE TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH DEFECTS, REPRODUCTIVE HARM, AND OTHER SERIOUS PHYSICAL INJURY. HAVE ADEQUATE VENTILATION AT

1 ALL TIMES. WASH HANDS THOROUGHLY AFTER
2 EXPOSURE.”

3 (E) “FEDERAL REGULATIONS PROVIDE THAT IF YOU
4 DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM
5 THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30
6 DAYS AFTER YOU COMPLETE THE INITIAL
7 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE
8 TO GO THROUGH THE BACKGROUND CHECK PROCESS
9 A SECOND TIME IN ORDER TO TAKE PHYSICAL
10 POSSESSION OF THAT FIREARM.”

11 (F) “NO PERSON SHALL MAKE AN APPLICATION TO
12 PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR
13 OTHER FIREARM CAPABLE OF BEING CONCEALED
14 UPON THE PERSON WITHIN ANY 30-DAY PERIOD AND
15 NO DELIVERY SHALL BE MADE TO ANY PERSON WHO
16 HAS MADE AN APPLICATION TO PURCHASE MORE
17 THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM
18 CAPABLE OF BEING CONCEALED UPON THE PERSON
19 WITHIN ANY 30-DAY PERIOD.”

20 (8) (A) Commencing April 1, 1994, and until January 1, 2003,
21 no pistol, revolver, or other firearm capable of being concealed
22 upon the person shall be delivered unless the purchaser, transferee,
23 or person being loaned the firearm presents to the dealer a basic
24 firearms safety certificate.

25 (B) Commencing January 1, 2003, no dealer may deliver a
26 handgun unless the person receiving the handgun presents to the
27 dealer a valid handgun safety certificate. The firearms dealer shall
28 retain a photocopy of the handgun safety certificate as proof of
29 compliance with this requirement.

30 (C) Commencing January 1, 2003, no handgun may be
31 delivered unless the purchaser, transferee, or person being loaned
32 the firearm presents documentation indicating that he or she is a
33 California resident. Satisfactory documentation shall include a
34 utility bill from within the last three months, a residential lease, a
35 property deed, or military permanent duty station orders indicating
36 assignment within this state, or other evidence of residency as
37 permitted by the Department of Justice. The firearms dealer shall
38 retain a photocopy of the documentation as proof of compliance
39 with this requirement.



1 (D) Commencing January 1, 2003, except as authorized by the
2 department, no firearms dealer may deliver a handgun unless the
3 recipient performs a safe handling demonstration with that
4 handgun. The demonstration shall commence with the handgun
5 unloaded and locked with the firearm safety device with which it
6 is required to be delivered, if applicable. While maintaining
7 muzzle awareness, that is, the firearm is pointed in a safe direction,
8 preferably down at the ground, and trigger discipline, that is, the
9 trigger finger is outside of the trigger guard and along side of the
10 handgun frame, at all times, the handgun recipient shall correctly
11 and safely perform the following:

12 (i) If the handgun is a semiautomatic pistol:

13 (I) Remove the magazine.

14 (II) Lock the slide back. If the model of firearm does not allow
15 the slide to be locked back, pull the slide back, visually and
16 physically check the chamber to ensure that it is clear.

17 (III) Visually and physically inspect the chamber, to ensure that
18 the handgun is unloaded.

19 (IV) Remove the firearm safety device, if applicable. If the
20 firearm safety device prevents any of the previous steps, remove
21 the firearm safety device during the appropriate step.

22 (V) Load one bright orange, *red, or other readily identifiable*
23 *dummy round into the magazine. If no readily identifiable dummy*
24 *round is available, an empty cartridge casing with an empty*
25 *primer pocket may be used.*

26 (VI) Insert the magazine into the magazine well of the firearm.

27 (VII) Manipulate the slide release or pull back and release the
28 slide.

29 (VIII) Remove the magazine.

30 (IX) Visually inspect the chamber to reveal that a round can be
31 chambered with the magazine removed.

32 (X) Lock the slide back to eject the bright orange, *red, or other*
33 *readily identifiable dummy round. If the handgun is of a model that*
34 *does not allow the slide to be locked back, pull the slide back and*
35 *physically check the chamber to ensure that the chamber is clear.*
36 *If no readily identifiable dummy round is available, an empty*
37 *cartridge casing with an empty primer pocket may be used.*

38 (XI) Apply the safety, if applicable.

39 (XII) Apply the firearm safety device, if applicable. This
40 requirement shall not apply to an Olympic competition pistol if no

1 firearms safety device, other than a cable lock that the department
2 has determined would damage the barrel of the pistol, has been
3 approved for the pistol, and the pistol is either listed in paragraph
4 (2) of subdivision (h) of Section 12132 or is subject to paragraph
5 (3) of subdivision (h) of Section 12132.

6 (ii) If the handgun is a double-action revolver:

7 (I) Open the cylinder.

8 (II) Visually and physically inspect each chamber, to ensure
9 that the revolver is unloaded.

10 (III) Remove the firearm safety device. If the firearm safety
11 device prevents any of the previous steps, remove the firearm
12 safety device during the appropriate step.

13 (IV) While maintaining muzzle awareness and trigger
14 discipline, load one bright orange, *red, or other readily*
15 *identifiable* dummy round into a chamber of the cylinder and
16 rotate the cylinder so that the round is in the next-to-fire position.
17 *If no readily identifiable dummy round is available, an empty*
18 *cartridge casing with an empty primer pocket may be used.*

19 (V) Close the cylinder.

20 (VI) Open the cylinder and eject the round.

21 (VII) Visually and physically inspect each chamber to ensure
22 that the revolver is unloaded.

23 (VIII) Apply the firearm safety device, if applicable. This
24 requirement shall not apply to an Olympic competition pistol if no
25 firearms safety device, other than a cable lock that the department
26 has determined would damage the barrel of the pistol, has been
27 approved for the pistol, and the pistol is either listed in paragraph
28 (2) of subdivision (h) of Section 12132 or is subject to paragraph
29 (3) of subdivision (h) of Section 12132.

30 (iii) If the handgun is a single-action revolver:

31 (I) Open the loading gate.

32 (II) Visually and physically inspect each chamber, to ensure
33 that the revolver is unloaded.

34 (III) Remove the firearm safety device required to be sold with
35 the handgun. If the firearm safety device prevents any of the
36 previous steps, remove the firearm safety device during the
37 appropriate step.

38 (IV) Load one bright orange, *red, or other readily identifiable*
39 dummy round into a chamber of the cylinder, close the loading
40 gate and rotate the cylinder so that the round is in the next-to-fire

1 position. *If no readily identifiable dummy round is available, an*
2 *empty cartridge casing with an empty primer pocket may be used.*

3 (V) Open the loading gate and unload the revolver.

4 (VI) Visually and physically inspect each chamber to ensure
5 that the revolver is unloaded.

6 (VII) Apply the firearm safety device, if applicable. This
7 requirement shall not apply to an Olympic competition pistol if no
8 firearms safety device, other than a cable lock that the department
9 has determined would damage the barrel of the pistol, has been
10 approved for the pistol, and the pistol is either listed in paragraph
11 (2) of subdivision (h) of Section 12132 or is subject to paragraph
12 (3) of subdivision (h) of Section 12132.

13 (E) The recipient shall receive instruction regarding how to
14 render that handgun safe in the event of a jam.

15 (F) The firearms dealer shall sign and date an affidavit stating
16 that the requirements of subparagraph (D) have been met. The
17 firearms dealer shall additionally obtain the signature of the
18 handgun purchaser on the same affidavit. The firearms dealer shall
19 retain the original affidavit as proof of compliance with this
20 requirement.

21 (G) The recipient shall perform the safe handling
22 demonstration for a department certified instructor.

23 (H) No demonstration shall be required if the dealer is
24 returning the handgun to the owner of the handgun.

25 (I) Department certified instructors who may administer the
26 safe handling demonstration shall meet the requirements set forth
27 in subdivision (j) of Section 12804.

28 (J) The persons who are exempt from the requirements of
29 subdivision (b) of Section 12801, pursuant to Section 12807, are
30 also exempt from performing the safe handling demonstration.

31 (9) Commencing July 1, 1992, the licensee shall offer to
32 provide the purchaser or transferee of a firearm, or person being
33 loaned a firearm, with a copy of the pamphlet described in Section
34 12080 and may add the cost of the pamphlet, if any, to the sales
35 price of the firearm.

36 (10) The licensee shall not commit an act of collusion as
37 defined in Section 12072.

38 (11) The licensee shall post conspicuously within the licensed
39 premises a detailed list of each of the following:

1 (A) All charges required by governmental agencies for
2 processing firearm transfers required by Sections 12076, 12082,
3 and 12806.

4 (B) All fees that the licensee charges pursuant to Sections
5 12082 and 12806.

6 (12) The licensee shall not misstate the amount of fees charged
7 by a governmental agency pursuant to Sections 12076, 12082, and
8 12806.

9 (13) The licensee shall report the loss or theft of any firearm
10 that is merchandise of the licensee, any firearm that the licensee
11 takes possession of pursuant to Section 12082, or any firearm kept
12 at the licensee's place of business within 48 hours of discovery to
13 the appropriate law enforcement agency in the city, county, or city
14 and county where the licensee's business premises are located.

15 (14) In a city and county, or in the unincorporated area of a
16 county with a population of 200,000 persons or more according to
17 the most recent federal decennial census or within a city with a
18 population of 50,000 persons or more according to the most recent
19 federal decennial census, any time the licensee is not open for
20 business, the licensee shall store all firearms kept in his or her
21 licensed place of business using one of the following methods as
22 to each particular firearm:

23 (A) Store the firearm in a secure facility that is a part of, or that
24 constitutes, the licensee's business premises.

25 (B) Secure the firearm with a hardened steel rod or cable of at
26 least one-eighth inch in diameter through the trigger guard of the
27 firearm. The steel rod or cable shall be secured with a hardened
28 steel lock that has a shackle. The lock and shackle shall be
29 protected or shielded from the use of a bolt cutter and the rod or
30 cable shall be anchored in a manner that prevents the removal of
31 the firearm from the premises.

32 (C) Store the firearm in a locked fireproof safe or vault in the
33 licensee's business premises.

34 (15) The licensing authority in an unincorporated area of a
35 county with a population of less than 200,000 persons according
36 to the most recent federal decennial census or within a city with a
37 population of less than 50,000 persons according to the most recent
38 federal decennial census may impose the requirements specified
39 in paragraph (14).



1 (16) Commencing January 1, 1994, the licensee shall, upon the
2 issuance or renewal of a license, submit a copy of the same to the
3 Department of Justice.

4 (17) The licensee shall maintain and make available for
5 inspection during business hours to any peace officer, authorized
6 local law enforcement employee, or Department of Justice
7 employee designated by the Attorney General, upon the
8 presentation of proper identification, a firearms transaction
9 record.

10 (18) (A) On the date of receipt, the licensee shall report to the
11 Department of Justice in a format prescribed by the department the
12 acquisition by the licensee of the ownership of a pistol, revolver,
13 or other firearm capable of being concealed upon the person.

14 (B) The provisions of this paragraph shall not apply to any of
15 the following transactions:

16 (i) A transaction subject to the provisions of subdivision (n) of
17 Section 12078.

18 (ii) The dealer acquired the firearm from a wholesaler.

19 (iii) The dealer is also licensed as a secondhand dealer pursuant
20 to Article 4 (commencing with Section 21625) of Chapter 9 of
21 Division 8 of the Business and Professions Code.

22 (iv) The dealer acquired the firearm from a person who is
23 licensed as a manufacturer or importer to engage in those activities
24 pursuant to Chapter 44 (commencing with Section 921) of Title 18
25 of the United States Code and any regulations issued pursuant
26 thereto.

27 (v) The dealer acquired the firearm from a person who resides
28 outside this state who is licensed pursuant to Chapter 44
29 (commencing with Section 921) of Title 18 of the United States
30 Code and any regulations issued pursuant thereto.

31 (19) The licensee shall forward in a format prescribed by the
32 Department of Justice, information as required by the department
33 on any firearm that is not delivered within the time period set forth
34 in Section 178.102 (c) of Title 27 of the Code of Federal
35 Regulations.

36 (c) (1) As used in this article, “clear evidence of his or her
37 identity and age” means either of the following:

38 (A) A valid California driver’s license.

39 (B) A valid California identification card issued by the
40 Department of Motor Vehicles.

1 (2) As used in this section, a “secure facility” means a building
2 that meets all of the following specifications:

3 (A) All perimeter doorways shall meet one of the following:

4 (i) A windowless steel security door equipped with both a dead
5 bolt and a doorknob lock.

6 (ii) A windowed metal door that is equipped with both a dead
7 bolt and a doorknob lock. If the window has an opening of five
8 inches or more measured in any direction, the window shall be
9 covered with steel bars of at least one-half inch diameter or metal
10 grating of at least nine gauge affixed to the exterior or interior of
11 the door.

12 (iii) A metal grate that is padlocked and affixed to the licensee’s
13 premises independent of the door and doorframe.

14 (B) All windows are covered with steel bars.

15 (C) Heating, ventilating, air-conditioning, and service
16 openings are secured with steel bars, metal grating, or an alarm
17 system.

18 (D) Any metal grates have spaces no larger than six inches wide
19 measured in any direction.

20 (E) Any metal screens have spaces no larger than three inches
21 wide measured in any direction.

22 (F) All steel bars shall be no further than six inches apart.

23 (3) As used in this section, “licensed premises,” “licensed
24 place of business,” “licensee’s place of business,” or “licensee’s
25 business premises” means the building designated in the license.

26 (4) For purposes of paragraph (17) of subdivision (b):

27 (A) A “firearms transaction record” is a record containing the
28 same information referred to in subdivision (a) of Section
29 178.124, Section 178.124a, and subdivision (e) of Section
30 178.125 of Title 27 of the Code of Federal Regulations.

31 (B) A licensee shall be in compliance with the provisions of
32 paragraph (17) of subdivision (b) if he or she maintains and makes
33 available for inspection during business hours to any peace officer,
34 authorized local law enforcement employee, or Department of
35 Justice employee designated by the Attorney General, upon the
36 presentation of proper identification, the bound book containing
37 the same information referred to in Section 178.124a and
38 subdivision (e) of Section 178.125 of Title 27 of the Code of
39 Federal Regulations and the records referred to in subdivision (a)
40 of Section 178.124 of Title 27 of the Code of Federal Regulations.

1 (d) Upon written request from a licensee, the licensing
2 authority may grant an exemption from compliance with the
3 requirements of paragraph (14) of subdivision (b) if the licensee
4 is unable to comply with those requirements because of local
5 ordinances, covenants, lease conditions, or similar circumstances
6 not under the control of the licensee.

7 (e) (1) Except as otherwise provided in this paragraph, the
8 Department of Justice shall keep a centralized list of all persons
9 licensed pursuant to subparagraphs (A) to (E), inclusive, of
10 paragraph (1) of subdivision (a), and all persons who have
11 submitted information pursuant to subdivision (a) of Section
12 12083. The department may remove from this list any person who
13 knowingly or with gross negligence violates this article. Upon
14 removal of a dealer from this list, notification shall be provided to
15 local law enforcement and licensing authorities in the jurisdiction
16 where the dealer's business is located.

17 (2) The department shall remove from the centralized list any
18 person whose federal firearms license has expired or has been
19 revoked.

20 (3) Information compiled from the list shall be made available,
21 upon request, for the following purposes only:

22 (A) For law enforcement purposes.

23 (B) When the information is requested by a person licensed
24 pursuant to Chapter 44 (commencing with Section 921) of Title 18
25 of the United States Code for determining the validity of the
26 license for firearm shipments.

27 (C) When information is requested by a person promoting,
28 sponsoring, operating, or otherwise organizing a show or event as
29 defined in Section 178.100 of Title 27 of the Code of Federal
30 Regulations, or its successor, who possesses a valid certificate of
31 eligibility issued pursuant to Section 12071.1, if that information
32 is requested by the person to determine the eligibility of a
33 prospective participant in a gun show or event to conduct
34 transactions as a firearms dealer pursuant to subparagraph (B) of
35 paragraph (1) of subdivision (b).

36 (4) Information provided pursuant to paragraph (3) shall be
37 limited to information necessary to corroborate an individual's
38 current license status as being one of the following:

39 (A) A person licensed pursuant to subparagraphs (A) to (E),
40 inclusive, of paragraph (1) of subdivision (a).

1 (B) A person licensed pursuant to Chapter 44 (commencing
2 with Section 921) of Title 18 of the United States Code and who
3 is not subject to the requirement that he or she be licensed pursuant
4 to subparagraphs (A) to (E), inclusive, of paragraph (1) of
5 subdivision (a).

6 (f) The Department of Justice may inspect dealers to ensure
7 compliance with this article. The department may assess an annual
8 fee, not to exceed one hundred fifteen dollars (\$115), to cover the
9 reasonable cost of maintaining the list described in subdivision (e),
10 including the cost of inspections. Dealers whose place of business
11 is in a jurisdiction that has adopted an inspection program to ensure
12 compliance with firearms law shall be exempt from that portion of
13 the department's fee that relates to the cost of inspections. The
14 applicant is responsible for providing evidence to the department
15 that the jurisdiction in which the business is located has the
16 inspection program.

17 (g) The Department of Justice shall maintain and make
18 available upon request information concerning the number of
19 inspections conducted and the amount of fees collected pursuant
20 to subdivision (f), a listing of exempted jurisdictions, as defined
21 in subdivision (f), the number of dealers removed from the
22 centralized list defined in subdivision (e), and the number of
23 dealers found to have violated this article with knowledge or gross
24 negligence.

25 (h) Paragraph (14) or (15) of subdivision (b) shall not apply to
26 a licensee organized as a nonprofit public benefit or mutual benefit
27 corporation organized pursuant to Part 2 (commencing with
28 Section 5110) or Part 3 (commencing with Section 7110) of
29 Division 2 of the Corporations Code, if both of the following
30 conditions are satisfied:

31 (1) The nonprofit public benefit or mutual benefit corporation
32 obtained the dealer's license solely and exclusively to assist that
33 corporation or local chapters of that corporation in conducting
34 auctions or similar events at which firearms are auctioned off to
35 fund the activities of that corporation or the local chapters of the
36 corporation.

37 (2) The firearms are not pistols, revolvers, or other firearms
38 capable of being concealed upon the person.

39 (i) (1) For every verification inquiry made pursuant to
40 paragraph (1) of subdivision (f) of Section 12072, the department

1 shall determine whether the intended recipient possesses an
2 appropriate, valid license issued pursuant to Chapter 44
3 (commencing with Section 921) of Title 18 of the United States
4 Code and, if applicable, is properly licensed pursuant to this
5 section.

6 (2) If the intended recipient possesses an appropriate, valid
7 license issued pursuant to Chapter 44 (commencing with Section
8 921) of Title 18 of the United States Code, and if applicable, is
9 properly licensed pursuant to this section, the department shall
10 immediately provide a unique verification number to the inquiring
11 party.

12 (3) If the intended recipient does not possess an appropriate,
13 valid license issued pursuant to Chapter 44 (commencing with
14 Section 921) of Title 18 of the United States Code, or if applicable,
15 is not properly licensed pursuant to this section, the department
16 shall do all of the following:

17 (A) Immediately notify the inquiring party of that fact.

18 (B) Within 24 hours, notify the chief law enforcement officer
19 of the jurisdiction where the address on the federal firearms license
20 about which the inquiry was made is located, and notify an
21 appropriate employee of the federal Bureau of Alcohol, Tobacco
22 and Firearms of the denied verification.

23 SEC. 2. Section 12132 of the Penal Code is amended to read:

24 12132. This chapter shall not apply to any of the following:

25 (a) The sale, loan, or transfer of any firearm pursuant to Section
26 12082 or 12084 in order to comply with subdivision (d) of Section
27 12072.

28 (b) The sale, loan, or transfer of any firearm that is exempt from
29 the provisions of subdivision (d) of Section 12072 pursuant to any
30 applicable exemption contained in Section 12078, if the sale, loan,
31 or transfer complies with the requirements of that applicable
32 exemption to subdivision (d) of Section 12072.

33 (c) The sale, loan, or transfer of any firearm as described in
34 paragraph (3) of subdivision (b) of Section 12125.

35 (d) The delivery of a pistol, revolver, or other firearm capable
36 of being concealed upon the person to a person licensed pursuant
37 to Section 12071 for the purposes of the service or repair of that
38 firearm.

39 (e) The return of a pistol, revolver, or other firearm capable of
40 being concealed upon the person by a person licensed pursuant to

1 Section 12071 to its owner where that firearm was initially
2 delivered in the circumstance set forth in subdivision (d).

3 (f) The return of a pistol, revolver, or other firearm capable of
4 being concealed upon the person by a person licensed pursuant to
5 Section 12071 to its owner where that firearm was initially
6 delivered to that licensee for the purpose of a consignment sale or
7 as collateral for a pawnbroker loan.

8 (g) The sale, loan, or transfer of any pistol, revolver, or other
9 firearm capable of being concealed upon the person listed as a
10 curio or relic, as defined in Section 178.11 of the Code of Federal
11 Regulations.

12 (h) (1) The Legislature finds a significant public purpose in
13 exempting pistols that are designed expressly for use in Olympic
14 target shooting events. Therefore, those pistols that are sanctioned
15 by the International Olympic Committee and by USA Shooting,
16 the national governing body for international shooting
17 competition in the United States, and that are used for Olympic
18 target shooting purposes at the time that the act adding this
19 subdivision is enacted, and that fall within the definition of
20 “unsafe handgun” pursuant to paragraph (3) of subdivision (b) of
21 Section 12126 shall be exempt, as provided in paragraphs (2) and
22 (3).

23 (2) This chapter shall not apply to any of the following pistols,
24 because they are consistent with the significant public purpose
25 expressed in paragraph (1):
26

27	MANUFACTURER	MODEL	CALIBER
28	ANSCHUTZ	FP	.22LR
29	BENELLI	MP90	.22LR
30	BENELLI	MP90	.32 S&W LONG
31	BENELLI	MP95	.22LR
32	BENELLI	MP95	.32 S&W LONG
33	DRULOV	FP	.22LR
34	GREEN	ELECTROARM	.22LR
35	HAMMERLI	100	.22LR
36	HAMMERLI	101	.22LR
37	HAMMERLI	102	.22LR
38	HAMMERLI	162	.22LR
39	HAMMERLI	280	.22LR
40	HAMMERLI	280	.32 S&W LONG

1	HAMMERLI	FP10	.22LR
2	HAMMERLI	MP33	.22LR
3	HAMMERLI	SP20	.22LR
4	HAMMERLI	SP20	.32 S&W LONG
5	MORINI	CM102E	.22LR
6	MORINI	22M	.22LR
7	MORINI	32M	.32 S&W LONG
8	MORINI	CM80	.22LR
9	PARDINI	GP	.22 SHORT
10	PARDINI	GPO	.22 SHORT
11	PARDINI	GP-SCHUMANN	.22 SHORT
12	PARDINI	HP	.32 S&W LONG
13	PARDINI	K22	.22LR
14	PARDINI	MP	.32 S&W LONG
15	PARDINI	PGP75	.22LR
16	PARDINI	SP	.22LR
17	PARDINI	SPE	.22LR
18	SAKO	FINMASTER	.22LR
19	STEYR	FP	.22LR
20	VOSTOK	IZH NO. 1	.22LR
21	VOSTOK	MU55	.22LR
22	VOSTOK	TOZ35	.22LR
23	WALTHER	FP	.22LR
24	WALTHER	GSP	.22LR
25	WALTHER	GSP	.32 S&W LONG
26	WALTHER	OSP	.22 SHORT
27	WALTHER	OSP-2000	.22 SHORT

28

29 (3) The department shall create a program that is consistent
 30 with the purpose stated in paragraph (1) to exempt new models of
 31 competitive firearms from this chapter. The exempt competitive
 32 firearms may be based on recommendations by USA Shooting
 33 consistent with the regulations contained in the USA Shooting
 34 Official Rules or may be based on the recommendation or rules of
 35 any other organization that the department deems relevant.

36 SEC. 3. Section 12276.1 of the Penal Code is amended to
 37 read:

38 12276.1. (a) Notwithstanding Section 12276, “assault
 39 weapon” shall also mean any of the following:



- 1 (1) A semiautomatic, centerfire rifle that has the capacity to
- 2 accept a detachable magazine and any one of the following:
- 3 (A) A pistol grip that protrudes conspicuously beneath the
- 4 action of the weapon.
- 5 (B) A thumbhole stock.
- 6 (C) A folding or telescoping stock.
- 7 (D) A grenade launcher or flare launcher.
- 8 (E) A flash suppressor.
- 9 (F) A forward pistol grip.
- 10 (2) A semiautomatic, centerfire rifle that has a fixed magazine
- 11 with the capacity to accept more than 10 rounds.
- 12 (3) A semiautomatic, centerfire rifle that has an overall length
- 13 of less than 30 inches.
- 14 (4) A semiautomatic pistol that has the capacity to accept a
- 15 detachable magazine and any one of the following:
- 16 (A) A threaded barrel, capable of accepting a flash suppressor,
- 17 forward handgrip, or silencer.
- 18 (B) A second handgrip.
- 19 (C) A shroud that is attached to, or partially or completely
- 20 encircles, the barrel that allows the bearer to fire the weapon
- 21 without burning his or her hand, except a slide that encloses the
- 22 barrel.
- 23 (D) The capacity to accept a detachable magazine at some
- 24 location outside of the pistol grip.
- 25 (5) A semiautomatic pistol with a fixed magazine that has the
- 26 capacity to accept more than 10 rounds.
- 27 (6) A semiautomatic shotgun that has both of the following:
- 28 (A) A folding or telescoping stock.
- 29 (B) A pistol grip that protrudes conspicuously beneath the
- 30 action of the weapon, thumbhole stock, or vertical handgrip.
- 31 (7) A semiautomatic shotgun that has the ability to accept a
- 32 detachable magazine.
- 33 (8) Any shotgun with a revolving cylinder.
- 34 (b) The Legislature finds a significant public purpose in
- 35 exempting pistols that are designed expressly for use in Olympic
- 36 target shooting events. Therefore, those pistols that are sanctioned
- 37 by the International Olympic Committee and by USA Shooting,
- 38 the national governing body for international shooting
- 39 competition in the United States, and that are used for Olympic
- 40 target shooting purposes at the time the act adding this subdivision



is enacted, and that would otherwise fall within the definition of “assault weapon” pursuant to this section are exempt, as provided in subdivision (c).

(c) “Assault weapon” does not include either of the following:

(1) Any antique firearm.

(2) Any of the following pistols, because they are consistent with the significant public purpose expressed in subdivision (b):

MANUFACTURER	MODEL	CALIBER
BENELLI	MP90	.22LR
BENELLI	MP90	.32 S&W LONG
BENELLI	MP95	.22LR
BENELLI	MP95	.32 S&W LONG
HAMMERLI	280	.22LR
HAMMERLI	280	.32 S&W LONG
HAMMERLI	SP20	.22LR
HAMMERLI	SP20	.32 S&W LONG
PARDINI	GPO	.22 SHORT
PARDINI	GP-SCHUMANN	.22 SHORT
PARDINI	HP	.32 S&W LONG
PARDINI	MP	.32 S&W LONG
PARDINI	SP	.22LR
PARDINI	SPE	.22LR
WALTHER	GSP	.22LR
WALTHER	GSP	.32 S&W LONG
WALTHER	OSP	.22 SHORT
WALTHER	OSP-2000	.22 SHORT

(3) The Department of Justice shall create a program that is consistent with the purposes stated in subdivision (b) to exempt new models of competitive pistols that would otherwise fall within the definition of “assault weapon” pursuant to this section from being classified as an assault weapon. The exempt competitive pistols may be based on recommendations by USA Shooting consistent with the regulations contained in the USA Shooting Official Rules or may be based on the recommendation or rules of any other organization that the department deems relevant.

(d) The following definitions shall apply under this section:

(1) “Magazine” shall mean any ammunition feeding device.

1 (2) “Capacity to accept more than 10 rounds” shall mean
2 capable of accommodating more than 10 rounds, but shall not be
3 construed to include a feeding device that has been permanently
4 altered so that it cannot accommodate more than 10 rounds.

5 (3) “Antique firearm” means any firearm manufactured prior
6 to January 1, 1899.

7 (e) This section shall become operative January 1, 2000.

8 SEC. 4. Section 1.5 of this bill incorporates amendments to
9 Section 12071 of the Penal Code proposed by both this bill and AB
10 2080. It shall only become operative if (1) both bills are enacted
11 and become effective on or before January 1, 2003, but this bill
12 becomes operative with regard to Section 12071 of the Penal Code
13 first, (2) each bill amends Section 12071 of the Penal Code, and
14 (3) this bill is enacted after AB 2080, in which case Section 12071
15 of the Penal Code, as amended by Section 1 of this bill, shall
16 remain operative only until the operative date of Section 12071
17 specified in AB 2080, at which time Section 1.5 of this bill shall
18 become operative.

